

## REMARKS

In response to the above Office Action, of the pending claims, claims 1-9, 27, 30 and 31 have been cancelled. In addition, claim 16 has been amended to more clearly claim applicant's invention, claim 26 to avoid the rejection of the claim under §112, second paragraph, and claim 32 in view of the cancellation of claim 30. The claims now remaining in this case are claim 16 with claims 17-26, 29, and 32 dependent therefrom.

Claim 16 relates to a filter device having a lid rotatable about an axis of the device, a rotatable valve structure moveable between a first position where a liquid inlet of the device is open and a second position where the inlet is blocked and a filter element "wherein said lid is coupled to said filter element and said filter element is coupled to said valve structure, so that when said lid is rotated about said axis, said valve structure is rotated about said axis between said first and second position only through a corresponding rotation of said filter element" (Emphasis added). Thus in the claimed device the valve structure is only rotated by a rotation of the filter element. Support for this can be found, for example, on page 11, line 24-26 and page 15, lines 4-6. It is not believed that the amendment to claim 16 raises a new issue after final rejection, because this is consistent with the previous limitation that the valve structure is rotated "by said filter element."

In the Office Action the Examiner rejected claims 16-26 and 32 under 35 U.S.C. §102(b) for being anticipated by Kudlaty. In Kudlaty, rotation of the cap 50 may rotate a valve structure between an open and close position, but the valve structure is being rotated by the housing 10 that joins the cap 50 to the valve structure. The filter element 36 does not turn the valve structure. Rather, the filter element is only sealingly

engaged with a seal 37 to an external surface 33 of a sleeve 32 of the valve structure so that the valve can rotate with respect to the filter. See column 2, lines 59-66 of Kudlaty.

Since claim 16 now recites that the valve structure is rotated "only through" a corresponding rotation of the filter element thereby precluding rotation by an element like housing (10) of Kudlaty, it is believed the claim is no longer anticipated by Kudlaty. This appears to be consistent with the Examiner's understanding of Kudlaty as set forth on page 8, lines 4-5 of the Office Action. Withdrawal of the rejection of claims 16-26 and 32 under §102(b) for being anticipated by Kudlaty is, therefore, requested.

The rejections of claims 1-9, 27, 30, and 31 under 35 U.S.C. §103(a) over Kudlaty in view of Darling in paragraph 3 of the Office Action is now moot in view of the cancellation of these claims. So also is the rejection of claim 27 in paragraph 5 of the Office Action.

With respect to the rejection of claim 29 under 35 U.S.C. §103(a) for being obvious over Kudlaty in view of Humbert, claim 29 depends from claim 16 and Humbert does not disclose what is missing in Kudlaty. Accordingly, it is believed claim 29 is patentable over the cited references for the same reasons expressed above with respect to claim 16.

It is believed claims 1-16, 29, and 32 are in condition for allowance.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 24, 2007

By: 

Arthur S. Garrett  
Reg. No. 20,338  
Tel: 202 408 4091

1343366\_1